

Subpart A—General Provisions and Definitions

§ 436.1 Purpose and applicability.

This part sets forth, for Guam, Puerto Rico, and the Virgin Islands—

- (a) The eligibility provisions that a State plan must contain;
- (b) The mandatory and optional groups of individuals to whom Medicaid is provided under a State plan;
- (c) The eligibility requirements and procedures that a Medicaid agency must use in determining and redetermining eligibility, and requirements it may not use; and
- (d) The availability of FFP for providing Medicaid and for administering the eligibility provisions of the plan.

[43 FR 45218, Sept. 29, 1978, as amended at 44 FR 17939, Mar. 23, 1979]

§ 436.2 Basis.

This part implements the following sections of the Act and public laws that state requirements and standards for eligibility:

- 402(a)(22) Eligibility of deemed recipients of AFDC who receive zero payments because of recoupment of overpayments.
- 402(a)(37) Eligibility of individuals who lose AFDC eligibility due to increased earnings.
- 414(g) Eligibility of certain individuals participating in work supplementation programs.
- 473(b) Eligibility of children in foster care and adopted children who are deemed AFDC recipients.
- 1902(a)(8) Opportunity to apply; assistance must be furnished promptly.
- 1902(a)(10) Required and optional groups.
- 1902(a)(12) Determination of blindness.
- 1902(a)(16) Out-of-State care for State residents.
- 1902(a)(17) Standards for determining eligibility; flexibility in the application of income eligibility standards.
- 1902(a)(19) Safeguards for simplicity of administration and best interests of recipients.
- 1902(a)(34) Three-month retroactive eligibility.
- 1902(a) (second paragraph after (47)) Eligibility despite increased monthly insurance benefits under title II.
- 1902(a)(55) Mandatory use of outstation locations other than welfare offices to receive and initially process applications of certain low-income pregnant women, infants, and children under age 19.
- 1902(b) Prohibited conditions for eligibility: Age requirements of more than 65 years;

State residence requirements excluding individuals who reside in the State; and
Citizenship requirement excluding United States citizens.

- 1902(e) Four-month continued eligibility for families ineligible because of increased hours or income from employment.
- 1902(e)(2) Minimum eligibility period for recipients enrolled in HMO.
- 1902(e)(3) Optional coverage of certain disabled children at home.
- 1902(e)(4) Eligibility of newborn children of Medicaid-eligible women.
- 1902(e)(5) Eligibility of pregnant women for extended coverage for a specified period after pregnancy ends.
- 1903(v) Payment for emergency services under Medicaid provided to aliens.
- 1905(a) (i)-(viii) List of eligible individuals.
- 1905(a) (clause following (21)) Prohibitions against providing Medicaid to certain institutionalized individuals.
- 1905(a) (second sentence) Definition of essential person.
- 1905(d)(2) Definition of resident of an intermediate care facility for the mentally retarded.
- 1905(n) Definition of qualified pregnant woman and child.
- 1912(a) Conditions of eligibility.
- 1915(c) Home or community based services.
- 1915(d) Home and community-based services for individuals age 65 or older.
- 412(e)(5) of Immigration and Nationality Act—Eligibility of certain refugees.
- Pub. L. 93–66, section 230 Deemed eligibility of certain essential persons.
- Pub. L. 93–66, section 231 Deemed eligibility of certain persons in medical institutions.
- Pub. L. 93–66, section 232 Deemed eligibility of certain blind and disabled medically indigent persons.
- Pub. L. 96–272, section 310(b)(1) Continued eligibility of certain recipients of Veterans Administration pensions.
- Pub. L. 99–509, section 9406 Payment for emergency medical services provided to aliens.
- Pub. L. 99–603, section 201 Aliens granted legalized status under section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) may under certain circumstances be eligible for Medicaid.
- Pub. L. 99–603, section 302 Aliens granted legalized status under section 210 of the Immigration and Nationality Act may under certain circumstances be eligible for Medicaid (8 U.S.C. 1160).
- Pub. L. 99–603, section 303 Aliens granted legal status under section 210A of the Immigration and Nationality Act may under certain circumstances be eligible for Medicaid (8 U.S.C. 1161).

[52 FR 43072, Nov. 9, 1987; 52 FR 48438, Dec. 22, 1987, as amended at 55 FR 36820, Sept. 7, 1990; 55 FR 48609, Nov. 21, 1990; 57 FR 29155, June 30, 1992; 59 FR 48811, Sept. 23, 1994]